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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/327,708	06/08/1999	EARL HARDIN BOOTH	YO999-190	5804

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EXAMINER

MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 09/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/327,708

Applicant(s)

BOOTH ET AL.

Examiner

Adnan M Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06/08/99.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-90 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. Claims 1-90 are presented for examination.
2. Restriction to one of the following inventions is required under 35 U.S.C 121:
  - I. In claims 1-45 a method for representing interconnection of a plurality of elements on a network comprising IP protocol Stack, IP Sec network, MPLS network, VLAN, Star Network, employing color codes, classified in class 709/242.
  - II. In claims 46-54 an article of manufacture comprising Phone network, manipulation of one of the pair classified in class 709/249.
  - III. In claims 55-70 a network architecture comprising water distribution network, water main, software module, software element classified in class 709/223.
  - IV. In claims 71-84 a network apparatus comprising attribute modifier module, encryption policy classified in class 709/128.
  - V. In claims 85-90 a method comprising administering, configuring, directionality connection classified in class 709/220.
3. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III, IV & V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate method such as it is representing interconnection of a plurality of elements on a network comprising IP

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protocol Stack, IP Sec network, MPLS network, VLAN, Star Network, employing color codes which lacked features of the II, III, IV and V groups of claims, e.g., Phone network, manipulation of one of the pair, water distribution network, water main, software module, software element, attribute modifier module, encryption policy, administering, configuring, directionality connection, classified in class 709, subclass 242. See MPEP 806.05(d).

Invention II has separate utility such as an article of manufacture comprising Phone network, manipulation of one of the pair which lacked features of I, III, IV and V groups of claims; e.g., IP protocol Stack, IP Sec network, MPLS network, VLAN, Star Network, employing color codes, water distribution network, water main, software module, software element, attribute modifier module, encryption policy, administering, configuring, directionality connection, classified in class 709, subclass 249. See MPEP 806.05(d).

Invention III in the same regards has separate utility such as network architecture comprising water distribution network, water main, software module, software element which lacked features of I, II, IV and V groups of claims; e.g., IP protocol Stack, IP Sec network, MPLS network, VLAN, Star Network, employing color codes, Phone network, manipulation of one of the pair, attribute modifier module, encryption policy,

administering, configuring, directionality connection, classified in class 709, subclass 223.

Invention IV similarly has separate utility such as a network apparatus comprising attribute modifier module, encryption policy which lacked features of I, II, III and V groups of claims; e.g., IP protocol Stack, IP Sec network, MPLS network, VLAN, Star Network, employing color codes, Phone network, manipulation of one of the pair, water distribution network, water main, software module, software element, administering, configuring, directionality connection, classified in class 709, subclass 128.

Invention V like others has separate utility such as a method comprising administering, configuring, directionality connection which lacked features of I, II, III and IV groups of claims; e.g., IP protocol Stack, IP Sec network, MPLS network, VLAN, Star Network, employing color codes, Phone network, manipulation of one of the pair, water distribution network, water main, software module, software element, a network apparatus comprising attribute modifier module, encryption policy, classified in class 709, subclass 220.

4. Because these inventions are distinct for the reasons given above and because the search required for each group is different and not co-extensive for examination purpose because these groups would require different searches on PTO's classification class and subclass e.g.

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- a) The Group I search (1-45) would require use of search classified in Class 709, subclass 242, (which would not be required for the Group II,III,IV,V);
- b) The Group II search (claims 46-54) would require use of search Class 709, subclass 249, (which would not be required for the Group I,III,IV,V),
- c) The Group III search (claims 55-70) would require use of search classified in Class 709, subclass 223, (which would not be required for the Group I,II,IV,V);
- d) The Group IV search (claims 71-84) would require use of search classified in class 709, subclass 128, (which would not be required for the Group I,II,III,V);
- e) The Group V search (claims 85-90) would require use of search classified in class 709, subclass 220, (which would not be required for the Group I,II,III,IV); therefore restriction for examination purposes as indicated is proper.

5. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

6. Any inquiry concerning this communication of earlier communications from the examiner should be directed to Adnan Mirza whose telephone number is (703) 305-4633. The examiner can normally be reached on business days during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The fax phone number for this Group is (703) 305-9731.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

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Commissioner of Patents and Trademarks  
Washington, DC, 20231

**Or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5359 (for informal or draft communications, please label  
"PROPOSED" OR "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

08/27/02

MEHMET B. GECKIL  
PRIMARY EXAMINER

*Mehmet Geckil*